

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

PAUL LAMBERT, MARY HOLDER,)
BARBARA HOLDER, WILLIAM)
FREY, PAMELA PURDIMAN,)
SHAMEKA NELSON, and KIMBERLY)
SIMELTON, on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

v.)

ALEXANDER COUNTY HOUSING)
AUTHORITY, JAMES WILSON,)
THOMAS UPCHURCH, JOANNE)
PINK, and MARTHA FRANKLIN,)
an Illinois municipal corporation,)

Defendants.)

Case No. 3:16-cv-513

JURY TRIAL DEMANDED

DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS'
AMENDED CLASS ACTION COMPLAINT

COME NOW, Defendants, Alexander County Housing Authority, James Wilson, Thomas Upchurch, Joanne Pink and Martha Franklin and, for their answer to Plaintiffs' Amended Class Action Complaint, state:

1. Defendants deny the allegations of paragraph 1 of the Amended Class Action Complaint.
2. Defendants deny the allegations of paragraph 2 of the Amended Class Action Complaint.
3. Defendants deny the allegations of paragraph 3 of the Amended Class Action Complaint.

4. Defendants admit that the Connell Smith development is maintained in satisfactory condition with adequate security but deny all other allegations of paragraph 4 of the Amended Class Action Complaint.

5. Defendants deny the allegations of paragraph 5 of the Amended Class Action Complaint.

6. In response to paragraph 6 of the Amended Class Action Complaint, Defendants admit this Court has jurisdiction over this matter.

7. Paragraph 7 of the Amended Class Action Complaint states conclusions of law for which no answer is required. If an answer is deemed required, Defendants deny the allegations of paragraph 7.

8. In answer to paragraph 8 of the Amended Class Action Complaint, Defendants admit that venue is proper in this Court but deny the remaining allegations of paragraph 8.

9. Defendants deny the allegations of paragraph 9 of the Amended Class Action Complaint for lack of sufficient information to justify a reasonable belief therein.

10. Defendants deny the allegations of paragraph 10 of the Amended Class Action Complaint for lack of sufficient information to justify a reasonable belief therein.

11. Defendants deny the allegations of paragraph 11 of the Amended Class Action Complaint for lack of sufficient information to justify a reasonable belief therein.

12. Defendants deny the allegations of paragraph 12 of the Amended Class Action Complaint for lack of sufficient information to justify a reasonable belief therein.

13. Defendants deny the allegations of paragraph 13 of the Amended Class Action Complaint for lack of sufficient information to justify a reasonable belief therein.

14. Defendants deny the allegations of paragraph 14 of the Amended Class Action Complaint for lack of sufficient information to justify a reasonable belief therein.

15. Defendants deny the allegations of paragraph 15 of the Amended Class Action Complaint for lack of sufficient information to justify a reasonable belief therein.

16. The allegations of paragraph 16 of the Amended Class Action Complaint are conclusions of fact and law for which no answer is required. To the extent that an answer is deemed required, Defendants deny the allegations of paragraph 16 for lack of sufficient information to justify a belief therein.

17. Defendants deny the allegations of paragraph 17 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

18. Defendants deny the allegations of paragraph 18 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

19. Defendants deny the allegations of paragraph 19 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

20. Defendants deny the allegations of paragraph 20 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

21. Defendants admit the allegations of paragraph 21 of the Amended Class Action Complaint.

22. Defendants deny the allegations of paragraph 22 of the Amended Class Action Complaint.

23. Defendants deny the allegations of paragraph 23 of the Amended Class Action Complaint.

24. Defendants deny the allegations of paragraph 24 of the Amended Class Action Complaint.

25. Defendants deny the allegations of paragraph 25 of the Amended Class Action Complaint.

26. Defendants deny the allegations of paragraph 26 of the Amended Class Action Complaint.

27. Defendants deny the allegations of paragraph 27 of the Amended Class Action Complaint.

28. Defendants deny the allegations of paragraph 28 of the Amended Class Action Complaint.

29. Defendants deny the allegations of paragraph 29 of the Amended Class Action Complaint.

30. Defendants deny the allegations of paragraph 30 of the Amended Class Action Complaint.

31. Defendants deny the allegations of paragraph 31 of the Amended Class Action Complaint.

32. Defendants deny the allegations of paragraph 32 of the Amended Class Action Complaint.

33. In response to the allegations of paragraph 33 of the Amended Class Action Complaint, Defendants state that the letter attached as Exhibit A to the Amended Complaint speaks for itself. If further answer is required, then Defendants deny the allegations of paragraph 33.

34. In response to the allegations of paragraph 34 of the Amended Class Action Complaint, Defendants state that the letter attached as Exhibit A to the Amended Complaint speaks for itself. If further answer is required, then Defendants deny the allegations of paragraph 34.

35. In response to the allegations of paragraph 35 of the Amended Class Action Complaint, Defendants state that the letter attached as Exhibit A to the Amended Complaint speaks for itself. If further answer is required, then Defendants deny the allegations of paragraph 35.

36. Defendants deny the allegations of paragraph 36 of the Amended Class Action Complaint.

37. Defendants deny the allegations of paragraph 37 of the Amended Class Action Complaint.

38. Defendants deny the allegations of paragraph 38 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

39. The allegations of paragraph 39 of the Amended Class Action Complaint are conclusions of law for which no answer is required. If an answer is deemed required, then Defendants deny the allegations of paragraph 39 for lack of sufficient information to justify a belief therein.

40. Defendants deny the allegations of paragraph 40 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

41. Defendants deny the allegations of paragraph 41 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

42. Defendants deny the allegations of paragraph 42 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

43. Defendants deny the allegations of paragraph 43 of the Amended Class Action Complaint.

44. Defendants deny the allegations of paragraph 44 of the Amended Class Action Complaint.

45. Defendants deny the allegations of paragraph 45 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

46. Defendants deny the allegations of paragraph 46 of the Amended Class Action Complaint.

47. Defendants deny the allegations of paragraph 47 of the Amended Class Action Complaint.

48. Defendants deny the allegations of paragraph 48 of the Amended Class Action Complaint.

49. Defendants deny the allegations of paragraph 49 of the Amended Class Action Complaint.

50. Defendants deny the allegations of paragraph 50 of the Amended Class Action Complaint.

51. Defendants deny the allegations of paragraph 51 of the Amended Class Action Complaint.

52. Defendants deny the allegations of paragraph 52 of the Amended Class Action Complaint.

53. Defendants deny the allegations of paragraph 53 of the Amended Class Action Complaint.

54. Defendants deny the allegations of paragraph 54 of the Amended Class Action Complaint.

55. Defendants deny the allegations of paragraph 55 of the Amended Class Action Complaint.

56. Defendants deny the allegations of paragraph 56 of the Amended Class Action Complaint.

57. Defendants deny the allegations of paragraph 57 of the Amended Class Action Complaint.

58. Defendants deny the allegations of paragraph 58 of the Amended Class Action Complaint.

59. Defendants deny the allegations of paragraph 59 of the Amended Class Action Complaint.

60. Defendants deny the allegations of paragraph 60 of the Amended Class Action Complaint.

61. Defendants deny the allegations of paragraph 61 of the Amended Class Action Complaint.

62. Defendants deny the allegations of paragraph 62 of the Amended Class Action Complaint.

63. Defendants deny the allegations of paragraph 63 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

64. Defendants deny the allegations of paragraph 64 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

65. Defendants deny the allegations of paragraph 65 of the Amended Class Action Complaint for lack of sufficient information to justify a belief therein.

66. Defendants deny the allegations of paragraph 66 of the Amended Class Action Complaint.

67. Defendants deny the allegations of paragraph 67 of the Amended Class Action Complaint.

68. Defendants deny the allegations of paragraph 68 of the Amended Class Action Complaint.

69. Defendants deny the allegations of paragraph 69 of the Amended Class Action Complaint.

ANSWER TO COUNT I OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

70. In answer to paragraph 70 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

71. Defendants deny the allegations of paragraph 71 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count I of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT II OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

72. In answer to paragraph 72 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

73. Defendants deny the allegations of paragraph 73 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count II of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT III OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

74. In answer to paragraph 74 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

75. Defendants deny the allegations of paragraph 75 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count III of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT IV OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

76. In answer to paragraph 76 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

77. The allegations of paragraph 77 of the Amended Class Action Complaint are conclusions of fact and law for which no answer is required. If an answer is deemed required, then Defendants deny the allegations of paragraph 77.

78. Defendants deny the allegations of paragraph 78 of the Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count IV of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT V OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

79. In answer to paragraph 79 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

80. Defendants deny the allegations of paragraph 80 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count V of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT VI OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

81. In answer to paragraph 81 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

82. Defendants deny the allegations of paragraph 82 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count VI of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT VII OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

83. In answer to paragraph 83 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

84. Defendants deny the allegations of paragraph 84 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count VII of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT VIII OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

85. In answer to paragraph 85 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

86. Defendants deny the allegations of paragraph 86 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count VIII of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT IX OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

87. In answer to paragraph 87 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

88. Defendants deny the allegations of paragraph 88 of the Amended Class Action Complaint.

89. Defendants deny the allegations of paragraph 89 of the Amended Class Action Complaint.

90. Defendants deny the allegations of paragraph 90 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count IX of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT X OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

91. In answer to paragraph 91 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

92. The allegations of paragraph 92 of the Amended Class Action Complaint state conclusions of law for which no answer is required. If an answer is deemed required, then Defendants deny the allegations of paragraph 92 for lack of sufficient information to justify a belief therein.

93. Defendants deny the allegations of paragraph 93 of the Amended Class Action Complaint.

94. Defendants deny the allegations of paragraph 94 of the Amended Class Action Complaint.

95. Defendants deny the allegations of paragraph 95 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count X of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

ANSWER TO COUNT XI OF PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT

96. In answer to paragraph 96 of the Amended Class Action Complaint, Defendants incorporate by reference their answers to paragraphs 1 through 69 as if recopied in full.

97. The allegations of paragraph 97 of the Amended Class Action Complaint state conclusions of law for which no answer is required. If an answer is deemed required, then Defendants deny the allegations of paragraph 97 for lack of sufficient information to justify a belief therein.

98. Defendants deny the allegations of paragraph 98 of the Amended Class Action Complaint.

99. Defendants deny the allegations of paragraph 99 of the Amended Class Action Complaint.

WHEREFORE, Defendants pray for dismissal of Count XI of the Amended Class Action Complaint, with prejudice, each party to bear his, her or its own costs.

GENERAL DENIAL

Defendants deny every unnumbered allegation in Plaintiffs' Amended Class Action Complaint and every allegation not specifically admitted herein.

AFFIRMATIVE DEFENSES

Defendants state the following affirmative defenses as complete or partial bars to the claims made in Plaintiffs' Amended Class Action Complaint:

1. Plaintiffs' Amended Class Action Complaint fails to state a claim for which relief may be granted.
2. Plaintiffs' claims are barred in whole or in part by one or more applicable statutes of limitation, including without limitation 42 USC § 4613, 740 ILCS 23/5 and 745 10/8-101.
3. Plaintiffs' claims are barred in whole or in part by the defenses and immunities provided by the Illinois Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-11 *et seq.*
4. Plaintiffs' claims for punitive or exemplary damages are barred by the provisions of 745 ILCS 10/2-102 or other applicable rule or statute.

JURY DEMAND

Defendants demand trial by jury on all issues so triable.

WHEREFORE, having fully answered Plaintiffs' Amended Class Action Complaint, Defendants pray for dismissal of Plaintiff's Amended Complaint, including Counts I through XI, with prejudice, each party bearing his, her or its own costs, and for such other relief as is appropriate.

Respectfully submitted,

GALLOWAY, JOHNSON, TOMPKINS
BURR & SMITH, P.C.

/s/ Stephen J. Moore
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Attorneys for Defendants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 3rd day of August, 2016, the undersigned electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to all counsel of record.

/s/ Stephen J. Moore